

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH J. HESKETH III, on his behalf
and on behalf of other similarly situated
persons,

Plaintiff,

v.

TOTAL RENAL CARE, INC., on its own
behalf and on behalf of other similarly
situated persons,

Defendant.

No. 2:20-cv-01733-JLR

DECLARATION OF JEN BOSL IN
SUPPORT OF DEFENDANT TOTAL
RENAL CARE, INC.'S OPPOSITION TO
PLAINTIFF'S MOTIONS TO CERTIFY A
PLAINTIFF AND DEFENDANT CLASS

I, Jen Bosl, declare as follows:

1. I am employed by Total Renal Care, Inc. ("TRC" or "Defendant") as Vice President, People Services. I am of legal age and competent to make this declaration. The statements contained herein are based on my personal knowledge and on information maintained by DaVita, including its subsidiaries like TRC, in the ordinary course of business.

TRC's Operations during COVID-19

2. TRC's clinical teammates work in in-center treatment facilities, home treatment facilities, or hospital services. In-center treatment facilities treat chronically ill patients who require usually three treatments per week. Home treatment facilities train and monitor patients

1 to perform dialysis in their homes. Hospital service teammates provide dialysis to patients in
2 hospitals.

3 3. Across the DaVita village, there are 448 unique non-exempt roles currently in use.

4 4. Teammates serving in clinical roles have job functions that range from Patient
5 Care Technician to Clinical Coordinator to Social Worker to Biomed Technician to Renal
6 Dietitian to Registered Nurse. They are specifically trained to provide essential patient care
7 while controlling for infectious diseases such as hepatitis and AIDS.

8 5. Other TRC teammates work in business offices that are entirely separate from the
9 treatment facilities and hospitals. They perform important business functions including work in
10 finance, accounting, revenue operations, insurance, benefits, recruiting, legal, risk management,
11 quality assurance, procurement, payroll, human resources, communications, information
12 technology, and many other areas.

13 **The Disaster Relief Policy**

14 6. On March 27, 2020, DaVita sent an email to all U.S.-based teammates, which
15 included a link to a statement regarding its Disaster Relief Policy and the insertion of language
16 into that Policy that specifically referenced the COVID-19 pandemic. A true and correct copy of
17 that email and the statement it linked to have been submitted along with the Declaration of
18 Shawn Zuckerman. *See* Dkt. #42 at pp. 13-14 (Declaration of Shawn Zuckerman in support of
19 Defendant's Answer to Plaintiff's Second Amended Complaint at ¶4, Ex. 3).

20 7. Also, on March 27, 2020, DaVita's CEO, Javier Rodriguez, hosted a "Voice of
21 the Village" call (a telephonic town hall), during which he confirmed the Disaster Relief Policy
22 did not apply to the COVID-19 pandemic. Thousands of teammates dialed in to the call and
23 others later listened to the recording.

24 8. The Disaster Relief Policy has previously been enacted during natural disasters
25 including Hurricanes Florence and Michael in 2018, Hurricanes Laura and Sally in 2020, and
26 Winter Storm Uri in February 2021. In each instance, DaVita declared an emergency time frame

1 for the affected facilities, and teammates received premium pay as appropriate under the terms of
2 the Policy.


3 9. During the COVID-19 pandemic, DaVita allowed teammates who could work
4 remotely to do so. But, the company did not uniformly track when or how often teammates who
5 were able to work remotely reported to work (as opposed to working from home).

6 **DaVita Subsidiaries**

7 10. DaVita has thirty-four subsidiaries that employ teammates. At least one
8 subsidiary is incorporated under the laws of each of the following states: Virginia, Texas,
9 Delaware, Michigan, Georgia, Florida, New York, Illinois, Maryland, Tennessee, and California.
10 Thirty-three of the subsidiaries are headquartered in Colorado; one is headquartered in Florida.

11
12 I declare under the laws of the United States the foregoing is true and accurate.

13
14 Executed in Tampa, Florida on July 12, 2021.

15
16
17 DocuSigned by:
18 
19 4064F26B118A403...
20 Jen Bosl

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on July 12, 2021, I electronically filed the foregoing **Declaration** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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DATED this 12th day of July 2021 in Seattle, Washington.

s/ Mary L. Lyles

Mary L. Lyles, Legal Practice Assistant

CERTIFICATE OF SERVICE
(No. 2:20-cv-01733-JLR) -1

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